

Panaji, 16th May, 1974 (Vaisakha 26, 1896)

SERIES I No. 7

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/42/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the Class III posts of Extension Officer (Animal Husbandry) and Field Assistant in the Directorate of Animal Husbandry and Veterinary Services under the Government of Goa, Daman and Diu.

1. Short title. — These rules may be called Goa Government, Directorate of Animal Husbandry and Veterinary Services Class III (Non-Ministerial Non-Gazetted) posts Recruitment Rules 1974.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment of the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

T. Kipgen
Chief Secretary

Panaji, 16th April, 1974.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition making recruitment	Circumstances in which U. P. S. C. is to be consulted in its composition making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Extension Officer (Animal Husbandry)	13	Class III (Non-Ministerial Non-Gazetted)	Rs. 210-10-290-15-320-EB-15-380	Selection	30 years (Relaxable for Government Servants).	Essential: Degree in Veterinary Science. Desirable: Working knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	Two years	50% by promotion failing which by direct recruitment 50% by direct recruitment failing which by transfer on deputation.	Promotion: Veterinary Assistants and Poultry Assistants with 3 and 5 years experience respectively in the grades and possessing a certificate of training course in stockman. Transfer on Deputation: Persons holding analogous posts under the Central/State Government.	Class As required under the D.P.C. rules.	
2. Field Assistant	3	— do —	Rs. 110-3-131	— do —	25 years (Relaxable for Government Servants)	Essential: X Std. or equivalent. Desirable: Working knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	— do —	By promotion failing which by direct recruitment.	Promotion: From amongst Class IV employees of the Department with 2 years experience.	— do —	— do —

Notification

OSD/RRVS/42/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the Recruitment to Class II post of Fodder Development Officer in the Directorate of Animal Husbandry and Veterinary Services under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government, Directorate of Animal Husbandry and Veterinary Services, Fodder Development Officer Class II Gazetted post Recruitment Rules 1974.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointment to the various posts made on or after this date.

T. Kipgen
Chief Secretary

Panaji, 16th April, 1974.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, U.P.S.C. is to be consulted in making recruitment	Circumstances in which U.P.S.C. is to be consulted in making recruitment
1. Fodder Development Officer.	One	General Central Service Class II Gazetted.	Rs. 350-25-500-30-590-EB-30-800	Selection	30 years (Relaxable for Government Servants).	Essential: i) Master's degree in Agriculture or Veterinary Science of a recognised University or equivalent. ii) About one year's experience in Fodder cultivation. OR i) Degree in Agriculture or Veterinary Science from a recognised University or equivalent. ii) About 3 years experience in Fodder cultivation.	Yes.	Two years	By promotion falling within which by transfer on deputation and failing both by direct recruitment.	Promotion: i) Farm Manager. ii) Farm Supervisor with 8 years service in the respective grades. Transfer on deputation: Officers under the Central/State Governments holding analogous posts or with at least 3 or 8 years service respectively in the scale of Rs. 325-575 or Rs. 210-425 and possessing the qualifications prescribed for direct recruits under column 7.	Class II D.P.C. Union Public Service Commission (Exemption from Consultation) Regulations, 1958.	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

Home Department (Transport and Accommodation)

Notification

HD(TA-TPT)/6-3/74

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965, is hereby pre-published as required by section 133 of the Motor Vehicles Act, 1939 (4 of 1939) for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of one month from the date of publication of this notification in the Official Gazette. All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of the said period of one month from the date of publication of this Notification in the Official Gazette, to enable the Government to take them into consideration before finalising the amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by clause (b) of sub-section (2) of section 70 of the Motor Vehicles Act, 1939, (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 (hereinafter called "the Principal Rules"), namely:—

In Rule 5.41 of the principal rules—

- (i) in sub-rule (1) after the words "Every public service vehicle", the words "other than a motor cycle without a side-car" shall be inserted; and
- (ii) in sub-rule (2) after the words "Every public service vehicle", the words "other than a motor cycle without a side-car" shall be inserted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 3rd May, 1974.

Notification

HD.21-48/73(T&A)

The following draft of an amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by section 133 of the Motor Vehicles Act, 1939 (4 of 1939) for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home

Department, Secretariat, Panaji before the expiry of fifteen days from the date of publication of this notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by clause (k) of sub-section (2) of section 21 of the Motor Vehicles Act, 1939, (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Twenty Third Amendment) Rules, 1974.

(2) They shall come into force at once.

(3) **Amendment of rule 2.2**— After sub-rule (ix) of rule 2.2 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, the following shall be inserted namely:—

“(x) Any person desiring to obtain a public service vehicle licence or conductor's licence, shall produce a First Aid Certificate from the St. John Ambulance Association (India) which shall be equally acceptable with the certificate from the competent Medical Officers, before he can be considered for grant of such licence”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 4th May, 1974.

Education and Public Works Department

Directorate of Sports and Cultural Affairs

ORDER

DE/Cul/D.5/463/559

Whereas the Government of Goa, Daman and Diu with a view to fostering and co-ordinating the activities in different cultural fields such as music, drama, dance, literature, fine arts, etc. to promote thereby the cultural unity of the Territory has established an Academy called Kala Academy vide order No. DE/CUL/D.5796/54298 dated 25-10-1969 for the Union Territory of Goa, Daman and Diu.

And whereas Academia de Musica established under the Diploma Legislative Ministerial No. 2 of 8th May, 1952 has been imparting the practice and development of Western Music.

And whereas consequent upon the establishment of the said Kala Academy there appears to be no need to have a separate agency such as Academia de Musica to help the development of Western Music.

Now, therefore, in exercise of the powers conferred upon him by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force within this Territory, the Administrator of Goa, Daman and Diu hereby orders as follows:—

1. With effect from the 1st of January, 1971, the Academia de Musica established during Portuguese regime under Diploma Legislative Ministerial No. 2 of 8-5-1952 is merged into the Kala Academy as its Western Music Wing, subject to the following conditions:—

- (a) It will continue to be called Academia de Musica.
- (b) All furniture, equipments, stores, moneys and all other properties and assets of Academia de Musica which immediately before the 1st of January, 1971, vested in the Managing Committee i.e. Committee which looks after the administration of Academia de Musica as per its statute, under the memorandum of statute of Academia de Musica, shall stand transferred to the Kala Academy;
- (c) All the members of the staff of Academia de Musica as on 1st January, 1971, shall stand absorbed in the staff of the Kala Academy from that date in the pay scales then in force admissible to the staff of Academia de Musica.

2. As from the 1st January, 1971, the existing Managing Committee of the Academia de Musica shall stand dissolved and all properties movable mentioned above and all rights, powers and privileges in respect of Academia de Musica which immediately before the 1st of January, 1971, vested in the Managing Committee shall vest in the Executive Board of Kala Academy.

3. Any bill, deed or other document whether made or executed before the 1st of January, 1971, which contains any bequests, gifts or trust in favour of Academia de Musica shall as from the 1st January, 1971, be construed as if the Kala Academy was therein named instead of Academia de Musica.

4. This supersedes the earlier order No. DE/CUL/D-5/463/87645 dated 17-12-1970.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. Kipgen, Chief Secretary.

Panaji, 8th May, 1974.

Revenue Department

Notification

RD/M/ACT/319/66-74

In exercise of the powers conferred by sub-section (2) of Section 1 of the Goa, Daman and Diu Mamlatdar's Court (First Amendment) Act, 1972 (1 of

1973), the Lt. Governor of Goa, Daman and Diu hereby appoints the date of publication of this notification in the Official Gazette, as the date from which the said Act shall come into force.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 8th May, 1974.

Local Self Government Department

Notification

2-18-72-LSG

In exercise of the powers conferred by Sections 26, 32, 41, 42, 51 and 76 of the Indian Forests Act, 1927 (16 of 1927), the Administrator of Goa, Daman and Diu hereby makes, as follows, the following rules so as to amend the Goa, Daman and Diu Forest Rules, 1964 (published in Government Gazette No. 11 Series I dated 18-3-65), (hereinafter called the principal rules), namely:—

For sub-rule (3) of Rule 41 of the principal Rules the following shall be substituted, namely:—

“(3) Movement of vehicles loaded with forest produce is prohibited between 6.00 p.m. to 6.00 a.m. in the Union territory of Goa, Daman and Diu”.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 7th May, 1974.

Law and Judiciary Department

Notification

LD/2196/74

The following notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 28th March, 1974.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi, the 20th March, 1974

Notification

S. O.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of all pre-

vious orders on the subject, the President hereby directs that the Administrators of all Union territories other than Arunachal Pradesh and Mizoram (whether known as Administrator, Chief Commissioner or Lieutenant Governor) shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions under the Code of Criminal Procedure, 1973 (2 of 1974), as mentioned in the Schedule hereto annexed, subject to the condition that the Central Government may itself exercise all or any of those powers and discharge all or any of those functions, should it deem necessary so to do.

2. This notification shall have effect from the 1st April, 1974.

SCHEDULE

Powers/functions

(1) All powers and functions of the State Government except those conferred by sections 8 and 477;

(2) (a) the powers and functions of the Central Government under sub-section (1) of section 197 and sub-section (4) of section 199, in respect of persons employed in connection with the affairs of the concerned Union territory;

(b) the power of the Central Government under item (i) of the proviso to section 321 to permit the Public Prosecutor to withdraw from a prosecution, where the offence is against a law relating to a matter enumerated in List II or List III in the Seventh Schedule to the Constitution; and

(3) the powers and functions of the appropriate Government under section 432 except in respect of—

(a) cases, where the sentence is the sentence of death and has not been commuted;

(b) cases where the sentence is for an offence against any law relating to any of the matters enumerated in List I in the Seventh Schedule to the Constitution; and

(c) cases where the order referred to in sub-section (6) of section 432 is passed under any law relating to any of the matters enumerated in List I in the Seventh Schedule to the Constitution.

[No. U-11011/2/74-UTL-(i)]

Sd/-

K. R. PRABHU

Additional Secretary to the Govt. of India.

Notification

LD/2645/74

The following notification received from the Ministry of Industrial Development, New Delhi, is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 26th April, 1974.

MINISTRY OF INDUSTRIAL DEVELOPMENT,

New Delhi, the 6th February, 1974

Notification

S. O. 91(E)IDRA/I(2)/2/74.—In exercise of the powers conferred by sub-section (2) of section 1 of the Industries (Development and Regulation)

Amendment Act, 1973 (67 of 1973), the Central Government hereby appoints the 7th day of February, 1974, as the date on which the said Act shall come into force.

(No. 13/4/74-Lic. Pol)

Sd./-

S. K. SAHGAL
Joint Secretary

Notification

LD/2645/74

The following notification received from the Government of India, Ministry of Law, Justice and Company Affairs (Department of Legal Affairs), New Delhi is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 26th April, 1974.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

New Delhi, the 31st January, 1974

Notification

G. S. R. 24(E). — In exercise of the powers conferred by sub-section (2) of section 1 of the Advocates (Amendment) Act, 1973 (60 of 1973), the Central Government hereby appoints the 31st day of January, 1974 as the date on which the said Act shall come into force.

[No. F-41(26)/73-Judicial I. C.]

Sd./-

P. V. SWARLU
Joint Secretary and Legal Adviser

Notification

LD/2764/74

The following notification received from the Government of India, Ministry of Shipping and Transport, New-Delhi, is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 6th May, 1974.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 30th March, 1974

Notification

G. S. R. In exercise of the powers conferred by sub-clause (vii) of clause (c) of the sub-section (1)

of the section 3 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby appoints with effect from the 1st April, 1974 the Operations and Engineering Manager, Indian Oil Corporation Limited, Bombay, as a Trustee representing the Indian Oil Corporation Limited, on the Board of Trustees for the Port of Mormugao.

(No. PGG-7-74)

Sd/-

K. SIVARA
Joint Secretary to the Government of India.

Notification

LD/4/3/68

In exercise of the powers conferred by the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1962 and all other powers enabling him in this behalf the Administrator of Goa, Daman and Diu in consultation with the Judicial Commissioner makes the following Rules so as to further amend the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1973, namely:—

1. **Short title and commencement.** — (1) These Rules may be called the Goa, Daman and Diu Civil Service (Judicial Branch) (Second Amendment) Rules, 1974.

(2) They shall come into force at once.

2. **Amendment of Rule 11.** — For item (i) of Rule 11 of the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1973 the following shall be substituted, namely:—

"(i) The Joint Secretary to the Government of India, Department of Justice — Chairman".

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 10th May, 1974.

Notification

LD/4236/73

The following Central Acts which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th November, 1973.

The Appropriation (No. 3) Act, 1973

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Appropriation (No. 3) Act, 1973.

2. **Issue of Rs. 1,33,05,37,000 out of the Consolidated Fund of India for the year 1973-74.**— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and thirty-

-three crores, five lakhs and thirty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1	2	3			
No. of Vote	Services and purposes	Sums not exceeding		Total	
		Voted by Parliament	Charged on the Consoli- dated Fund		
		Rs.	Rs.	Rs.	
11	Foreign Trade	Revenue	128,00,000	..	1,28,00,000
		Capital	74,00,00,000	..	74,00,00,000
28	Ministry of External Affairs	Capital	4,50,00,000	..	4,50,00,000
35	Currency, Coinage and Mint	Capital	3,26,60,000	..	3,26,60,000
38	Transfers to State and Union Territory Governments	Revenue	40,00,00,000	..	40,00,00,000
		Capital	..	10,00,00,000	10,00,00,000
39	Other Expenditure of the Ministry of Finance	Revenue	1,000	..	1,000
67	Labour and Employment	Revenue	..	58,000	58,000
81	Geological Survey	Revenue	..	18,000	18,000
	Total		1,23,04,61,000	10,00,76,000	1,33,05,37,000

The Indian Railways (Amendment) Act, 1973

**AN
ACT**

further to amend the Indian Railways Act, 1890

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Indian Railways (Amendment) Act, 1973.

2. **Amendment of section 47.**— (1) In section 47 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(bb) for the cancellation of tickets (whether with reservation of accommodation or not), the circumstances under which, and the time-limit within which, such cancellation may be allowed and the charges payable therefor;”;

(b) in sub-section (2), for the words “fifty rupees”, the words “one hundred and fifty rupees” shall be substituted.

(2) All charges levied and collected, or purported to have been levied and collected under the principal Act for cancellation of tickets (whether with reservation of accommodation or not) at any time before the commencement of this Act, shall be deemed to have been validly levied and collected in accordance with law and accordingly no suit or other proceeding shall be maintained in any court for the refund of any such charges.

3. **Amendment of section 82C.**— In section 82C of the principal Act, —

(a) in sub-section (1), for the words “may be made”, the words “may be made to the Claims Commissioner” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) If an applicant desires to be paid interim relief under section 82HH, he may send

to the railway administration a copy of the application made under sub-section (1) with a request for payment of such interim relief.”;

(c) in the *Explanation*, after the words “In this section”, the words, figures and letters “and section 82HH” shall be inserted.

4. Amendment of section 82E.—In section 82E of the principal Act, in the proviso to sub-section (1),—

(a) in clause (ii), the word “and” shall be omitted;

(b) for clause (iii), the following clauses shall be substituted, namely:—

“(iii) the payment by way of interim relief, if any, made to the applicant by the railway administration under section 82HH is not adequate; and

(iv) the amount of compensation directed to be paid under this section together with the payment by way of interim relief, if any, made under section 82HH is not likely to exceed the actual amount of compensation that may ultimately become payable.”.

5. Insertion of new section 82HH.—After section 82H of the principal Act, the following section shall be inserted, namely:—

“82HH. **Interim relief by railway administration.**

—(1) Where on receipt of an application under sub-section (2A) of section 82C and after making such enquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to an applicant for compensation immediately, it may, pending determination of the actual amount of compensation payable under section 82A, pay to any person who has sustained injury or suffered any loss, or where death has resulted from the accident, to any dependant of the deceased, such sum as it considers reasonable for affording such relief, so however, that the sum paid shall not exceed the amount of compensation payable at the rates prescribed under the rules made under section 82J.

(2) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (1), send a copy thereof to the Claims Commissioner.

(3) Any sum paid by the railway administration under sub-section (1) shall be taken into account by the Claims Commissioner while determining the amount of compensation payable.”.

6. Amendment of section 82I.—In section 82I of the principal Act, for the figures and letter “82H”, the figures and letters “82HH” shall be substituted.

7. Amendment of section 108.—In section 108 of the principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, where a passenger, without reasonable and sufficient cause, makes

use of the alarm chain provided by a railway administration, he shall be punished—

(a) in the case of conviction for the first offence, with fine which shall not be less than twenty-five rupees; and

(b) in the case of conviction for the second or subsequent offence, with imprisonment for a term which shall not be less than one month.”.

8. Amendment of section 118.—In section 118 of the principal Act,—

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees”, the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both” shall be substituted;

(b) in sub-section (2), for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

9. Amendment of section 120A.—In section 120A of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such fine shall be not less than fifty rupees.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If any person convicted of an offence under sub-section (1) commits a like offence afterwards, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred and fifty rupees, or with both.”;

(c) in sub-section (2), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

10. Amendment of section 122.—In section 122 of the principal Act,—

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees”, the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both” shall be substituted;

(b) in sub-section (2), for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

11. Amendment of section 126.—Section 126 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words “If a person unlawfully—”, the words, brackets and figure “Subject to the provisions of sub-section (2), if a person unlawfully—” shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) If a person unlawfully does any act or thing referred to in clause (a) or clause (b) or clause (c) or clause (d) or clause (e) of sub-section (1),—

(i) with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or

(ii) with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person,

he shall be punished with death or imprisonment for life.”.

12. Insertion of new section 126A. — After section 126 of the principal Act, the following section shall be inserted, namely:—

“126A. Damage to, or destruction of, certain railway properties. — (1) Whoever, with intent to cause or knowing that he is likely to cause damage or destruction to any of the properties of a railway referred to in sub-section (2) causes by fire, explosive substance or otherwise, damage to such property to the amount of one hundred rupees or upwards, or destruction of such property, shall be punished with imprisonment for a term which may extend to ten years.

(2) The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunication, electric traction and block equipments and such other properties as the Central Government, being of opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway, may, by notification in the Official Gazette, specify.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation. — Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.”.

13. Amendment of section 131. — In section 131 of the principal Act, in sub-section (1), after the figures “126,” the figures and letter “126A,” shall be inserted.

Notification

LD/1072/74

The following notification received from the Government of India, Ministry of Industrial Develop-

ment, Science and Technology, Central Boilers Board, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 18th March, 1974.

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi — 110001 the 20th December, 1973

Notification

G S. R. 17 The following draft regulations further to amend the Coal Mines Regulations, 1957 which the Central Government proposes to make, in exercise of the powers conferred by section 57 of the Mines Act, 1952 (35 of 1952), is published, as required by sub-section (1) of section 59 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of three months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

DRAFT REGULATIONS

1. These regulations may be called the Coal Mines (Amendment) Regulations, 1973.

2. In regulation 11 of the Coal Mines Regulations, 1957 after sub-regulation (8), the following sub-regulations shall be added, namely:—

“(9) Meetings of the Board shall be held as and when the Chairman considers them necessary, and unless otherwise decided by the Chairman, all meetings of the Board shall be held at Dhanbad.

(10). (a) For every meeting of the Board, not less than ten clear days' prior notice intimating the time and place of the proposed meeting and signed by the Chairman or the Secretary shall be given to each member who is not absent from India.

(b) Such notice shall be delivered at, or posted to, the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed of at that meeting.

(c) Notwithstanding what is contained in clauses (a) and (b), in cases of urgency, an emergent meeting may be called for by the Chairman at any time, by intimating the members, only two days in advance of the time and date of such meeting and the subject matter for discussion at such meeting.

(11). (a) The Chairman shall preside at every meeting of the Board.

(b) If the Chairman is absent for any reason, the members present shall elect one from among

themselves to preside over the meeting; and the member so elected shall, for the purposes of that meeting, have all powers of the Chairman.

(12). No business shall be transacted at a meeting of the Board unless at least three members, including the Chairman, are present.

(13). (a) All matters which the Board is required to consider shall be considered at its meeting, or, if the Chairman so directs, by circulation of the papers, to every member who is not absent from India.

(b) When any matter is referred to by circulation as aforesaid, any member can request that it should be considered at a meeting of the Board and the Chairman may direct that it shall be so considered but when two or more members so request, the Chairman shall direct that it shall be so considered at a meeting to be held.

(14). (a) The Chairman shall place, before the Board, a list of business to be transacted at the meeting.

(b) No business which is not included in such list shall be considered unless the Chairman permits.

(15). (a) Every matter at a meeting, shall be decided by the majority of votes of the members present at such meeting.

(b) Every matter referred to the members by circulation under sub-regulation (13) shall be decided by the majority opinion of the members to whom the papers were circulated, unless the Chairman reserves it for consideration at a regular meeting to be held later.

(c) In case of equal division of votes or opinions of the members the Chairman shall have a casting vote or of opinion.

(16). (a) The Secretary of the Board or any officer authorised by the Chairman shall record the minutes of each meeting in a bound-paged book kept for the purpose and copies of such minutes of the meeting shall be circulated to all members present in India.

(b) The minutes so recorded shall be confirmed at the next meeting of the Board and signed by the Chairman in token thereof.

(17). (a) The Chairman in addition to any other powers and duties conferred upon him under these regulations shall:—

- i) present all important papers and matters to the Board as early as possible;
- ii) issue orders for carrying out the decisions of the Board;
- iii) have power to refer, in his discretion, any matter to the Central Government for their orders; and
- iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the Board.

(b) The Chairman may, during his temporary absence by reason of leave or otherwise, authorise any member of the Board to perform all or any of the duties of the Chairman during such absence.

(c) Unless the Chairman otherwise directs, all proceedings of the Board shall be conducted in *cameha* and be regarded as confidential.

(No. S.66012/3/71-MI (i))

Sd/-

P. R. NAYAR
Under Secretary

Notification

LD/Bill/6/74

The following Act passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the Administrator of Goa, Daman and Diu on 9th May, 1974 is hereby published for general information.

M. S. Borkar, Under Secretary (Law).

Panaji, 15th May, 1974.

The Goa, Daman and Diu Sales Tax (Amendment) Act, 1974

[Act No. 6 of 1974] [9th May, 1974]

AN

ACT

further to amend the Goa, Daman and Diu Sales Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Sales Tax (Amendment) Act, 1974.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Substitution of section 3.*— For section 3 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) (hereinafter referred to as the principal Act), the following shall be substituted, namely:—

"3. *Taxing Authorities.*— (1) For carrying out the purposes of this Act, the Government shall appoint an officer to be called the Commissioner of Sales Tax.

(2) To assist the Commissioner in the execution of his functions under this Act, the Government shall appoint Assistant Commissioner of Sales Tax and such number of,—

- (a) Sales Tax Officers,
- (b) Assistant Sales Tax Officers,
- (c) Sales Tax Inspectors, and
- (d) other officers and persons, and give them such designations—
as the Government thinks necessary.

(3) The Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to the Commissioner the powers (not being powers

relating to the appointments of Assistant Commissioner of Sales Tax and Sales Tax Officers) conferred on the Government by sub-section (2).

(4) The Commissioner and all officers and persons appointed under sub-section (2) shall exercise such powers as may be conferred and perform such duties as may be required, by or under this Act.

(5) The Commissioner and all officers and persons appointed under sub-section (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

3. *Insertion of new section 10A.* — After section 10 of the principal Act, the following shall be inserted, namely: —

"10A. *Exemption.* — (1) Subject to such conditions as it may impose, the Government may, if it considers it necessary so to do in the public interest, by notification in the Official Gazette, exempt any specified class of dealers or any specified class of sales from payment of the whole or any part of any tax payable under the Act.

(2) Where any specified class of dealers or class of sales is exempt from payment of tax under sub-section (1) and if there be a breach of any of the conditions subject to which such exemption was granted, the seller, in case he is responsible for such breach, shall be liable to pay tax on such sales as if no such exemption had been granted notwithstanding that he may not be liable to pay tax under section 4. But if the purchaser is responsible for the breach, the Commissioner or any person appointed under sub-section (2) of section 3 to assist the Commissioner shall, after giving the purchaser a reasonable opportunity of being heard, impose upon him a penalty not exceeding one and a half times the amount of tax which would result if such goods were subject to sales tax at the rate leviable on them at the time of their purchase.

(3) If the Commissioner or any person appointed under sub-section (2) of section 3 to assist the Commissioner, has reason to believe that the seller is liable to pay tax under sub-section (2), the Commissioner or the person appointed to assist the Commissioner shall, after giving him a reasonable opportunity of being heard, assess the amount of tax so due."

4. *Amendment of section 27.* — In section 27 of the principal Act, —

(i) for sub-section (1) the following shall be substituted, namely: —

"(1) Any dealer may, in the prescribed manner appeal to the prescribed authority against any assessment or reassessment within sixty days from the date of communication of the order appealed against:

Provided firstly that the said authority may entertain the appeal after expiry of the said period of sixty days, if he is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time;

Provided secondly that no appeal shall be entertained by the said authority unless he is satisfied that such amount of the tax as the applicant may admit to be due from him has been paid."

(ii) in clause (b) of sub-section (2A) for the words, figure and brackets "sub-section (1)" the words and brackets "clause (a)" shall be substituted.

(iii) for sub-section (4) the following shall be substituted, namely: —

"(4) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or the rules made thereunder by any person appointed under section 3 or by the Tribunal constituted under section 3A may be reviewed by the person or the Tribunal passing it, as the case may be, upon an application or of his or its own motion, as the case may be."

5. *Amendment of section 30.* — In sub-section (1) of section 30 of the principal Act, —

(i) at the end of clause (j) the word "or" shall be inserted;

(ii) after clause (j) the following clause shall be inserted, namely: —

"(k) fails to furnish the security demanded under sub-section (5) of section 11."

Secretariat

Panaji-Goa

9th May, 1974.

PURAN SINGH

Secretary to the Government of
Goa, Daman and Diu
Law and Judiciary Deptt.